

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:92CR97

UNITED STATES OF AMERICA )  
vs. ) ORDER  
HERBERT COUNCIL )  
\_\_\_\_\_)

This matter is before the court upon the *pro se* defendant's Application to Proceed in Forma Pauperis, "Petition, Pursuant to 28 U.S.C. § 1651(a)," and "Motion to Subpoena Waiver of Representation and Superior Court Judge's Disposition, to Petitioner's State Conviction," all filed on January 2, 2008. These filings are the most recent of numerous attempts by Mr. Council to challenge his 1993 sentence by seeking state court documents which he argues support his claim that his federal sentence was erroneously enhanced. These motions have no merit and will once again be denied.

IT IS THEREFORE ORDERED that defendant's Application to Proceed in Forma Pauperis is hereby GRANTED, and his motion and petition filed on January 2, 2008 are both hereby DENIED.

Signed: March 4, 2008

Graham C. Brucker

Graham C. Mullen  
United States District Judge

